

Chapter 140

SPECIAL EVENTS AND MASS GATHERINGS

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§ 140-1. Purpose.

The Town of Kennebunkport recognizes the desirability of certain outdoor events and mass gatherings and hereby ordains the following to protect the general welfare and promote public health and safety by addressing issues arising out of such events and gatherings, such as traffic congestion, crowd control, public safety, health and sanitation, compliance with alcohol and drug laws, and protection of public and private property.

§ 140-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMERCIAL GATHERING — Those mass gatherings which are sponsored by local businesses or other groups with the intention of generating profits and/or for the purpose of attracting tourists and others to Kennebunkport for commercial reasons, such as promoting tourism or increasing the sale of goods or services available in the Town or its environs. ~~By way of illustration only and without limitation, the term "commercial gathering" includes the July 4 fireworks display, winter prelude, craft fairs, circuses, and similar events.~~

MASS GATHERING — Any commercial or noncommercial gathering or special event held outdoors or in a tent with the intent to attract the attendance of 250 or more persons. All mass gatherings must be permitted, as outlined below.

NONCOMMERCIAL GATHERING — Those mass gatherings whose primary purpose relates directly to the expression of philosophical, religious, political, patriotic or social points of view and which are not primarily designed for commercial reasons, such as generating profits and/or promoting tourism or increasing the sale of goods or services available in the Town and its environs. By way of illustration only and without limitation, the term "noncommercial gathering" includes political speeches, religious activities, ~~Memorial Day observances~~, and similar events. Weddings, family reunions, wakes and funerals are considered noncommercial gatherings under this chapter, unless those events are conducted by the applicant for commercial purposes.

§ 140-3. Permit required; charges.

- A. Permit required. All persons, corporations, partnerships, associations, or groups of any kind that § - sponsor, promote or conduct a mass gathering (the "applicant") shall first procure from the Town a permit therefor.

B. Charges. **[Amended 11-3-2020]**

- (1) Charges for commercial gatherings. The applicant for a commercial gathering shall pay a nonrefundable permit fee as set by the Board of Selectmen, plus the costs incurred by the Town for traffic and crowd control, as outlined below:
 - (a) In the case of commercial gatherings where uniformed police officers are required for traffic and crowd control, costs actually incurred by the Town for the required police officers, vehicles, and equipment, as calculated by the Chief of Police, shall be paid by the applicant.
 - (b) The number of police officers, police vehicles, and any other health and/or safety equipment that is required will be determined by the Chief of Police in a systematic, consistent, and nondiscriminatory manner based on factors such as the location of the event, the route to be taken (if any), the duration of the event, the estimated number of people who will attend, whether or not any roads (in one or both directions) need to be closed off, and/or the impact of any other mass gatherings or other activities generating the need for traffic, parking and/or crowd control that are also being held within the Town at the same time.
 - (c) If a mass gathering requires on-duty police officers to work overtime, the applicant will be charged at the applicable overtime rate for the employee performing the work, per the current union contract.
 - (d) If a mass gathering requires the use of off-duty police officers, the rate of hourly pay will be regulated by the current union contract. The Town shall also charge an additional amount to defer the costs of social security, Maine State Retirement, and workers' compensation.
- (2) Charges for noncommercial gatherings. The applicant for a noncommercial gathering shall pay a permit fee as set by the Board of Selectmen, ~~which shall be the only fee that is charged. However, where the applicant demonstrates that it is unable to pay such fee, the Chief of Police or his/her representative shall waive such fee.~~ Noncommercial gatherings will also be charged for any necessary municipal services at the rate of pay regulated by the union contracts.

(3) Special Events:

- (a) ~~Notwithstanding~~ Notwithstanding any provision of this chapter to the contrary, the following events shall be deemed a mass gathering and a special event which may be supported by the provision of all or a portion of necessary municipal services by the Town:
 - i. Memorial Day observances
 - ii. Fourth of July fireworks and road race
 - iii. The annual Dock Square tree lighting, Cape Porpoise tree lighting and one parade conducted during Winter Prelude.
- (a)(b) Charges for special events. The Town may provide police, fire, public works, traffic control, parking management, and other municipal services necessary to support these special events, subject to the following limitations:
 - i. The costs of the municipal services necessary to support the special events listed above may be paid from funds appropriated for municipal operations through the Town's annual budget process, without charge to the event organizer, except as follows:
 1. In the case of the special events identified in subsection (3)(a)(iii) above during Winter Prelude, the level of municipal funding provided to cover the necessary municipal services for these three events shall not exceed \$17,500 in 2026, and in future years shall not exceed such higher annual equivalent amount but shall be increased by the annual public safety wage adjustment --The event organizer shall be

- responsible for paying any and all remaining costs for necessary municipal services in excess of the municipal funding provided.
- ii. The municipal services costs which may be eligible for funding (or partial funding) through municipal appropriations under this subsection include the following: Town staff time needed for traffic and crowd control, parking management, street closures, event set-up and clean-up, public safety and other necessary operational services; costs associated with use of Town equipment or vehicles; costs of additional water, electricity and/or other utility overloads caused by the event(s). Costs associated with labor by outside agencies or organizations needed to support the event are not eligible for municipal funding under this subsection.

§ 140-4. Permit procedure; standards for mass gatherings.

A. Issuing authority.

- (1) All permits shall be issued, approved, approved with conditions or disapproved by the Chief of Police or the Chief's representative, after consultation with the Town Manager, the Code Enforcement Officer and any other Town officials or employees as the Chief of Police deems necessary, according to the procedure contained herein.
- (2) Any applicant aggrieved by this decision or the fee charged shall have the right to appeal the decision or the fee charged within five days to the Board of Selectmen, which shall hear the appeal at its next regularly scheduled meeting or at a special meeting called to hear the appeal.

B. Procedures and standards.

- (1) No permit shall be granted unless the applicant shows that proper facilities will be available for the proposed event or gathering in the area to be used and that adequate precautions have been taken to ensure the public health and safety of attendees and the general public.
- (2) In reviewing an applicant's proposal, the Chief of Police, in consultation with the Town Manager, the Code Enforcement Officer and other Town officials or employees, as deemed necessary, shall take into consideration any or all of the following factors that are relevant in determining whether to issue a permit:
 - (a) Water supply.
 - (b) Refuse disposal.
 - (c) Grounds (including illumination and square footage available per person).
 - (d) Roads, traffic control and parking space available.
 - (e) Sanitary facilities.
 - (f) Medical facilities.
 - (g) Safety and access.
 - (h) Noise control.

C. Additional requirements.

- (1) All commercial and noncommercial gatherings shall meet all requirements of the Town of Kennebunkport for emergency medical treatment, parking, public safety, sanitary provisions, financial obligations and other requirements set forth by the Town of Kennebunkport.
- (2) Within a zone where commercial uses are not permitted, no parcel may be used as the location for a commercial gathering more frequently than once every 120 days.

§ 140-5. Enforcement; violations and penalties.

- A. The Town shall enforce this chapter through its Code Enforcement Officer.
- B. Violation of this chapter or the conditions of the permit issued may result in revocation of the mass gathering permit and a civil penalty of \$1,000 for each violation. Each day such violation continues shall constitute a separate offense.

§ 140-6. Transfer or assignment of permit.

Permits issued under this chapter are not transferable or assignable, without prior approval of the Board of Selectmen.